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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/769,487 | 01/29/2004 | Donald Carroll Roe | 5494CRD2 | 8729 |

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| EXAMINER | |
|---|---|
| AHMED, HASAN SYED | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 1615 | |

DATE MAILED: 07/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/769,487 | ROE ET AL. | |
| | Examiner | Art Unit | |
| | Hasan S. Ahmed | 1615 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-12 and 28-35* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12 and 28-35* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *1/29/04&5/26/06*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

## DETAILED ACTION

Receipt is acknowledged of applicants': (1) Information Disclosure Statements filed on 29 January 2004 and 26 May 2006; (2) Preliminary Amendment filed on 29 January 2004.

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 3-7 recite the limitation "percent open area". The specification explains, "the percent open area of the region of the topsheet that corresponds to the crotch region of the article can vary widely." *See* paragraph 0121. Thus no clear guidance exists as to which particular portion of the article is considered the "open area".

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. Claims 1-12 and 28-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duncan, et. al. (U.S. Patent No. 3,489,148).

Duncan, et. al. teach a disposable diaper comprising a liquid impervious backsheet (*see* figure 1 – 11a), a liquid pervious topsheet (*see* figure 1 – 12) and an absorbent core (*see* figure 1 – 11). A portion of the topsheet outer surface comprises a lotion coating which is partially transferable to the wearer's skin and disposed in a nonuniform pattern (*see* figures 1 and 2; col. 1, lines 19-21; col. 2, lines 27-49). The topsheet is comprised of about 30-70% open area (*see* figure 1; col. 3, lines 15-19; col. 5, lines 10-21). The lotion is comprised of an emollient consisting of petrolatum or mineral oil (*see* col. 3, lines 20-24). Immobilizing agents such as triglycerides of higher fatty acids (i.e. stearic acid and palmitic acid) are disclosed (*see* col. 3, line 38). The disclosed article contains macroscopic as well as microscopic regions where no lotion is applied in a non-uniform pattern (*see* figures 1 and 2; col. 4, lines 23-25; col. 5, lines 17-21).

The Duncan reference explains that adding the disclosed components in the disclosed configuration to an absorbent article promotes health of the wearer's skin (*see* col. 2, lines 25-49).

The Duncan reference differs from the instant application in that it does not particularly disclose a feminine hygiene garment. However, the specification defines absorbent articles as "devices which absorb and contain body exudates, and more specifically, refers to devices which are placed against the skin of a wearer to absorb and contain the various exudates discharged from the body." *See* paragraph 0032. The specification goes on to describe both diapers and feminine hygiene garment fitting

the definition of absorbent article. Thus, diapers and feminine hygiene articles are deemed structural and functional equivalents in the art.

The Duncan reference teaches use of a lotion and an immobilizing agent, although it does not disclose the specific phase temperatures of 20° and 40°C claimed in the instant application. Applicant's article is the same as the prior art. It contains the same components in the same configuration. Properties are the same when the structure and composition are the same. Thus, burden shifts to applicant to show unexpected results, by declaration or otherwise. *In re Fitzgerald*, 205 USPQ 594. In the alternative, the claimed properties would have been present once the composition was employed in its intended use. *In re Best*, 195 USPQ 433.

Application of the lotion in a nonuniform pattern comprising stripes, droplets, dots, or mixtures thereof is deemed to be a matter of engineering design choice, and thus does not serve to patentably distinguish the claimed subject matter over the prior art. *In re Kuhle*, 526 F. 2d. 553, 188 USPQ 7 (CCPA 1975).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to assemble a feminine hygiene garment comprised of a lotion coated liquid pervious topsheet, a backsheet and an absorbent core, as taught by Duncan, et. al. One of ordinary skill in the art at the time the invention was made would have been motivated to assemble said feminine hygiene garment because of the beneficial effects upon the wearer's skin, as explained by Duncan, et. al.

2. Claims 1-12 and 28-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duncan, et. al. in view of U.S. Patent No. 6,118,041 (U.S. '041).

Although the conflicting claims are not identical, they are not patentably distinct from each other because U.S. '041 claims a disposable diaper comprised of: (a) a topsheet coated with lotion; (b) a backsheet; and (c) an absorbent core. *See* claim 1. One of ordinary skill in the art at the time of the invention would have expected a similar article from the instant claims, given the claims of U.S. '041, since diapers and feminine hygiene garments are considered structural and functional equivalents in the art (*see* discussion above). Thus, the instant claims for a feminine hygiene garment would have been obvious given the claims of U.S. '041.

3. Claims 1-12 and 28-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duncan, et. al. in view of U.S. Patent No. 6,426,444 (U.S. '444). Although the conflicting claims are not identical, they are not patentably distinct from each other because U.S. '444 claims a disposable article comprised of: (a) a topsheet coated with lotion; (b) a backsheet; and (c) an absorbent core. *See* claim 1. One of ordinary skill in the art at the time of the invention would have expected a similar article from the instant claims, given the claims of U.S. '444. Thus, the instant claims for a feminine hygiene garment would have been obvious given the claims of U.S. '444.

4. Claims 1-12 and 28-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duncan, et. al. in view of U.S. Patent No. 6,586,652 (U.S. '652). Although the conflicting claims are not identical, they are not patentably distinct from each other because U.S. '652 claims an absorbent article comprised of: (a) a topsheet coated with lotion; (b) a backsheet; and (c) an absorbent core. *See* claim 1. One of ordinary skill in the art at the time of the invention would have expected a similar article

from the instant claims, given the claims of U.S. '652. Thus, the instant claims for a feminine hygiene garment would have been obvious given the claims of U.S. '652.

5. Claims 1-12 and 28-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duncan, et. al. in view of U.S. Patent No. 6,861,571 (U.S. '571). Although the conflicting claims are not identical, they are not patentably distinct from each other because U.S. '571 claims a disposable article comprised of: (a) a topsheet coated with lotion; (b) a backsheet; and (c) an absorbent core. *See* claim 1. One of ordinary skill in the art at the time of the invention would have expected a similar article from the instant claims, given the claims of U.S. '571. Thus, the instant claims for a feminine hygiene garment would have been obvious given the claims of U.S. '571.

6. Claims 1-12 and 28-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duncan, et. al. in view of U.S. Patent No. 5,635,191 (U.S. '191). Although the conflicting claims are not identical, they are not patentably distinct from each other because U.S. '191 claims a disposable diaper comprised of: (a) a topsheet coated with lotion; (b) a backsheet; and (c) an absorbent core. *See* claim 1. One of ordinary skill in the art at the time of the invention would have expected a similar article from the instant claims, given the claims of U.S. '191, since diapers and feminine hygiene garments are considered structural and functional equivalents in the art (*see* discussion above). Thus, the instant claims for a feminine hygiene garment would have been obvious given the claims of U.S. '191.

7. Claims 1-12 and 28-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duncan, et. al. in view of U.S. Patent No. 5,643,588 (U.S. '588).

Although the conflicting claims are not identical, they are not patentably distinct from each other because U.S. '588 claims a disposable diaper comprised of: (a) a topsheet coated with lotion; (b) a backsheet; and (c) an absorbent core. *See* claim 1. One of ordinary skill in the art at the time of the invention would have expected a similar article from the instant claims, given the claims of U.S. '588, since diapers and feminine hygiene garments are considered structural and functional equivalents in the art (*see* discussion above). Thus, the instant claims for a feminine hygiene garment would have been obvious given the claims of U.S. '588.

8. Claims 1-12 and 28-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duncan, et. al. in view of U.S. Patent No. 5,607,760 (U.S. '760). Although the conflicting claims are not identical, they are not patentably distinct from each other because U.S. '760 claims a disposable article comprised of: (a) a topsheet coated with lotion; (b) a backsheet; and (c) an absorbent core. *See* claim 1. One of ordinary skill in the art at the time of the invention would have expected a similar article from the instant claims, given the claims of U.S. '760. Thus, the instant claims for a feminine hygiene garment would have been obvious given the claims of U.S. '760.

9. Claims 1-12 and 28-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duncan, et. al. in view of U.S. Patent No. 5,609,587 (U.S. '587). Although the conflicting claims are not identical, they are not patentably distinct from each other because U.S. '587 claims a disposable article comprised of: (a) a topsheet coated with lotion; (b) a backsheet; and (c) an absorbent core. *See* claim 1. One of ordinary skill in the art at the time of the invention would have expected a similar article

from the instant claims, given the claims of U.S. '587. Thus, the instant claims for a feminine hygiene garment would have been obvious given the claims of U.S. '587.

10. Claims 1-12 and 28-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duncan, et. al. in view of U.S. Patent No. 5,968,025 (U.S. '025). Although the conflicting claims are not identical, they are not patentably distinct from each other because U.S. '025 claims an absorbent article comprised of: (a) a topsheet coated with lotion; (b) a backsheet; and (c) an absorbent core. *See* claim 1. One of ordinary skill in the art at the time of the invention would have expected a similar article from the instant claims, given the claims of U.S. '025. Thus, the instant claims for a feminine hygiene garment would have been obvious given the claims of U.S. '025.

11. Claims 1-12 and 28-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duncan, et. al. in view of U.S. Patent No. 6,825,393 (U.S. '393). Although the conflicting claims are not identical, they are not patentably distinct from each other because U.S. '393 claims an absorbent article comprised of: (a) a topsheet coated with lotion; (b) a backsheet; and (c) an absorbent core. *See* claim 1. One of ordinary skill in the art at the time of the invention would have expected a similar article from the instant claims, given the claims of U.S. '393. Thus, the instant claims for a feminine hygiene garment would have been obvious given the claims of U.S. '393.

***Double Patenting***

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct

from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

1. Claims 1-12 and 28-35 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-29 of U.S. Patent No. 6,118,041 (U.S. '041). Although the conflicting claims are not identical, they are not patentably distinct from each other because U.S. '041 claims a disposable diaper comprised of: (a) a topsheet coated with lotion; (b) a backsheet; and (c) an absorbent core. *See* claim 1. One of ordinary skill in the art at the time of the invention would have expected a similar article from the instant claims, given the claims of U.S. '041, since diapers and feminine hygiene garments are considered structural and functional equivalents in the art (*see* discussion above). Thus, the instant claims for a feminine hygiene garment would have been obvious given the claims of U.S. '041.

2. Claims 1-12 and 28-35 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-20 of U.S. Patent No. 6,426,444 (U.S. '444). Although the conflicting claims are not identical, they are not

patentably distinct from each other because U.S. '444 claims a disposable article comprised of: (a) a topsheet coated with lotion; (b) a backsheet; and (c) an absorbent core. *See* claim 1. One of ordinary skill in the art at the time of the invention would have expected a similar article from the instant claims, given the claims of U.S. '444. Thus, the instant claims for a feminine hygiene garment would have been obvious given the claims of U.S. '444.

3. Claims 1-12 and 28-35 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-24 of U.S. Patent No. 6,586,652 (U.S. '652). Although the conflicting claims are not identical, they are not patentably distinct from each other because U.S. '652 claims an absorbent article comprised of: (a) a topsheet coated with lotion; (b) a backsheet; and (c) an absorbent core. *See* claim 1. One of ordinary skill in the art at the time of the invention would have expected a similar article from the instant claims, given the claims of U.S. '652. Thus, the instant claims for a feminine hygiene garment would have been obvious given the claims of U.S. '652.

4. Claims 1-12 and 28-35 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-21 of U.S. Patent No. 6,861,571 (U.S. '571). Although the conflicting claims are not identical, they are not patentably distinct from each other because U.S. '571 claims a disposable article comprised of: (a) a topsheet coated with lotion; (b) a backsheet; and (c) an absorbent core. *See* claim 1. One of ordinary skill in the art at the time of the invention would have expected a similar article from the instant claims, given the claims of U.S. '571.

Thus, the instant claims for a feminine hygiene garment would have been obvious given the claims of U.S. '571.

5. Claims 1-12 and 28-35 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-22 of U.S. Patent No. 5,635,191 (U.S. '191). Although the conflicting claims are not identical, they are not patentably distinct from each other because U.S. '191 claims a disposable diaper comprised of: (a) a topsheet coated with lotion; (b) a backsheet; and (c) an absorbent core. *See* claim 1. One of ordinary skill in the art at the time of the invention would have expected a similar article from the instant claims, given the claims of U.S. '191, since diapers and feminine hygiene garments are considered structural and functional equivalents in the art (*see* discussion above). Thus, the instant claims for a feminine hygiene garment would have been obvious given the claims of U.S. '191.

6. Claims 1-12 and 28-35 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-24 of U.S. Patent No. U.S. Patent No. 5,643,588 (U.S. '588). Although the conflicting claims are not identical, they are not patentably distinct from each other because U.S. '588 claims a disposable diaper comprised of: (a) a topsheet coated with lotion; (b) a backsheet; and (c) an absorbent core. *See* claim 1. One of ordinary skill in the art at the time of the invention would have expected a similar article from the instant claims, given the claims of U.S. '588, since diapers and feminine hygiene garments are considered structural and functional equivalents in the art (*see* discussion above). Thus, the instant claims for a feminine hygiene garment would have been obvious given the claims of U.S. '588.

7. Claims 1-12 and 28-35 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-16 of U.S. Patent No. 5,607,760 (U.S. '760). Although the conflicting claims are not identical, they are not patentably distinct from each other because U.S. '760 claims a disposable article comprised of: (a) a topsheet coated with lotion; (b) a backsheet; and (c) an absorbent core. *See* claim 1. One of ordinary skill in the art at the time of the invention would have expected a similar article from the instant claims, given the claims of U.S. '760. Thus, the instant claims for a feminine hygiene garment would have been obvious given the claims of U.S. '760.

8. Claims 1-12 and 28-35 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-25 of U.S. Patent No. 5,609,587 (U.S. '587). Although the conflicting claims are not identical, they are not patentably distinct from each other because U.S. '587 claims a disposable article comprised of: (a) a topsheet coated with lotion; (b) a backsheet; and (c) an absorbent core. *See* claim 1. One of ordinary skill in the art at the time of the invention would have expected a similar article from the instant claims, given the claims of U.S. '587. Thus, the instant claims for a feminine hygiene garment would have been obvious given the claims of U.S. '587.

9. Claims 1-12 and 28-35 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-25 of U.S. Patent No. 5,968,025 (U.S. '025). Although the conflicting claims are not identical, they are not patentably distinct from each other because U.S. '025 claims an absorbent article

comprised of: (a) a topsheet coated with lotion; (b) a backsheet; and (c) an absorbent core. *See* claim 1. One of ordinary skill in the art at the time of the invention would have expected a similar article from the instant claims, given the claims of U.S. '025. Thus, the instant claims for a feminine hygiene garment would have been obvious given the claims of U.S. '025.

10. Claims 1-12 and 28-35 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-18 of U.S. Patent No. 6,825,393 (U.S. '393). Although the conflicting claims are not identical, they are not patentably distinct from each other because U.S. '393 claims an absorbent article comprised of: (a) a topsheet coated with lotion; (b) a backsheet; and (c) an absorbent core. *See* claim 1. One of ordinary skill in the art at the time of the invention would have expected a similar article from the instant claims, given the claims of U.S. '393. Thus, the instant claims for a feminine hygiene garment would have been obvious given the claims of U.S. '393.

11. Claims 1-12 and 28-35 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-31 of copending Application No. 10/769,439 ('439). Although the conflicting claims are not identical, they are not patentably distinct from each other because U.S. '439 claims a feminine hygiene garment comprised of: (a) a topsheet coated with lotion; (b) a backsheet; and (c) an absorbent core. *See* claim 1. One of ordinary skill in the art at the time of the invention would have expected a similar article from the instant claims, given the claims of U.S. '439. Thus, the instant claims for a feminine hygiene garment

would have been obvious given the claims of U.S. '439. This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

12. Claims 1-12 and 28-35 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-22 of copending Application No. 10/262,036 ('036). Although the conflicting claims are not identical, they are not patentably distinct from each other because U.S. '036 claims an absorbent article comprised of: (a) a topsheet coated with lotion; (b) a backsheet; and (c) an absorbent core. *See* claim 1. One of ordinary skill in the art at the time of the invention would have expected a similar article from the instant claims, given the claims of U.S. '036. Thus, the instant claims for a feminine hygiene garment would have been obvious given the claims of U.S. '036. This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

13. Claims 1-12 and 28-35 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-12 of copending Application No. 11/300,715 ('715). Although the conflicting claims are not identical, they are not patentably distinct from each other because U.S. '715 claims an absorbent article comprised of: (a) a topsheet coated with lotion; (b) a backsheet; and (c) an absorbent core. *See* claim 1. One of ordinary skill in the art at the time of the invention would have expected a similar article from the instant claims, given the claims of U.S. '715. Thus, the instant claims for a feminine hygiene garment would have been

obvious given the claims of U.S. '715. This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

***Correspondence***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hasan S. Ahmed whose telephone number is 571-272-4792. The examiner can normally be reached on 9am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael P. Woodward can be reached on 571-272-8373. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MICHAEL P. WOODWARD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600

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